IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 6465 of 2000

Between:

Sunke Rajalinga Murthy S/o Lakshmirajyam,
R/o Lakshminagar, Godavarikhani,
Karimnagar District.

..... PETITIONER

AND

1. The Municipal Council, Ramagundem Municipality, Rep. by its

Commissioner, Ramagundem, Godavarikhani, Karimnagar District.

2. The Chairman, Municipal Council Ramagundem Municipality,
Godavari Khani, Karimnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more in the nature of writ of Mandamus directing the respondents herein neither to dispossess nor to lay any road in the patta land of petitioner i.e. land to an extent of Ac.O.19.5 Gts. in Sy.No.594 situated at Jangaon village, Ramagundem, Godavari Khani, Karimnagar District, without notice, without following due procedure under law i.e., without payment of any compensation by invoking the provisions of L.A.Act or by negotiations by duly declaring the steps taken by the respondents for laying the road without following due procedure under

law as illegal, arbitrary and violative of Art.14, 21 and 300-A of the Constitution of India.

Counsel for the Petitioner: MR.V.RAVI KIRAN RAO

Counsel for the Respondent Nos. 1 & 2: MR.P.RADHAKRISHNA

The Court made the following:

Oral order:-

This writ petition is filed seeking directions to the respondents neither to dispossess nor to lay any road in the patta land of the petitioner in an extent of Ac. 0-19 ½ guntas in survey No. 594 situated at Jangaon revenue village known as Markendeya Nagar, Ramagundam, Godavarikhani, Karimnagar district without notice and without following due procedure under law.

The facts in nutshell are that the petitioner and his brother are the pattedars, owners and possessors of land in an extent of Ac.0-19½ guntas in survey No. 594 of Jangaon village known as Markendeya Nagar, Ramagundam, Karimnagar district. The said land was purchased from one Mohd. Tajuddin in the year 1979 through registered sale deed dated 06-09-1979. After purchase, they are in possession and enjoyment of the land and mutation of their names has also been effected. While so, one Mr. O. Srinivasa Rao taken steps for laying the road over the land in dispute at the instance of Fertilizers Corporation of India Limited, Ramagunda and they have filed a suit in O.S.No. 1096 of 1986 on the file of Junior Civil Judge, Sultanabad for perpetual injunction restraining the respondents from interfering with the possession of the petitioner and his brother and also laying the road through their land. By the judgment dated 26-10-1990 the suit was decreed. The respondents without following any due process of law, highhandedly entered into the land in question and taking measurements for the purpose of laying road. Hence the petitioner approached this court.

No counter is filed though the writ petition has been admitted on 25-07-2000. Learned counsel for the petitioner has brought to my notice that the issue in this writ petition is squarely covered by the judgment of a Division Bench of this Court in P.

LAKSHMANA RAO Vs. EXECUTIVE OFFICER ([1]).

In the facts and circumstances of the case, this writ petition is disposed of in terms of the judgment of the Division Bench of this court reported in *P. Lakshmana Rao's* case (1 supra). No costs.

ELIPE DHARMA RAO, J

Dt. 14-07-2005

Pvks/*

To

1. The Commissioner, Municipal Council, Ramagundem Municipality,

   Ramagundem, Godavarikhani, Karimnagar District.

2. The Chairman, Municipal Council Ramagundem Municipality,
   Godavari Khani, Karimnagar District.

3. 2 CD copies

4. 1 CC to MR.POLISETTI RADHAKRISHNA (SC FOR MPL)

*Form-NIC-OGS/WP{**SAM**}*